

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claim 1 to further clarify the intended subject matter of the present disclosure. No new matter has been added. In addition, Applicants have amended Figs. 15-17 to include the legend “Prior Art”.

For at least the reasons set forth below, it is respectfully submitted that the pending claims are patentable over the cited prior art references.

II. The Rejection Of The Claims Under 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102 as being anticipated by the Applicants’ Admitted Prior Art (AAPA) set forth in Figs. 15-17 of the Applicants’ specification. In response to the pending rejection, Applicants have amended claim 1 so as to clearly distinguish over the AAPA.

More specifically, as amended, claim 1 now recites in pertinent part “wherein ... *respective times elapsed until the unrecorded area detection signal as the first output is outputted, and until the reset signal is outputted to the counter for detecting a recorded area as the second output satisfy a relationship represented by:*

Time Elapsed Until Unrecorded Area Detection Signal as First Output is Outputted > Time Elapsed Until Reset Signal is Outputted to Counter for Detecting Recorded Area as Second Output.”

Turning to the pending rejection and the AAPA, it is clear upon review of the background portion of Applicants’ specification and Figs. 15-17, which discuss the AAPA, that the AAPA does not disclose or suggest the foregoing element recited by amended claim 1.

Accordingly, as it is well known that anticipation under 35 U.S.C. § 102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed Cir. 1987), and, at a minimum, the AAPA fails to disclose or suggest the foregoing elements recited by claim 1, it is clear that the AAPA fails to anticipate claim 1.

III. Summary

Applicant submits that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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